Secti. II-27—45,004—14-11-29.

(19) Department.

SERIES.

G.O. No. 106

DATED

[Despatch Abstract.]

Motor Vehicles - driver Channayya - South Kanara district-disqualification.

GOVERNMENT OF MADRAS

Received.....1930. Registered.....1930.

Abstract

Motor Vehicles - driver Channayya - South Kanara district - disqualification

- - - -

C.F. 30.

Law (General) DEPARTMENT. LG 2934A 10.7.30

Received ..... 19 . *Registered* 19

Subject.

Motor Vehicles - driver Channayya - recommended for disqualification.

Enclosures.
No.
Spare copies

Ref.C.1. Mx - 5867-1930.

Station Mangalore, *Dated the* 7th July 1930.

From (Name) G.W.Wells, Esquire, M.A., I.C.S.,

(Designation) District Magistrate of South Kanara.

To The Secretary to the Government of Madras,

Law (General) Department,

Madras.

Sir,

I recommend that Government may be pleased to declare, under section 18(i)(ii) of the Motor Vehicles Act, Channayya son of Aitha Pujari (of Udiavar village, Udipi taluk in this district) disqualified for obtaining a/licence driving under the -- Motor Vehicles Act for a period of six months from the -- date of the order of Government.

2. This Channayya was the driver of Bus S.K. 337 of the C.P.C.Company of this district. On 15-2-1930, a lady passenger who was travelling by the Bus, from Belebare to Coondapur got down on the way at her place, Kumbhasi, for getting her bag containing jewellery and cash to the

of Rs. 852/-. She discovered her loss after some time, and sent her brother to question the driver and conductor, who denied all knowledge of the bag. In the course of the subsequent Police -- investigation, however, it was found that both the driver and conductor had concealed the bag. They were charged by the -- Police and were convicted on 16-4-1930 by the Stationary Sub---- Magistrate, Coondapur, of an offence under section 403 I.P.C., this driver being sentenced to undergo rigorous imprisonment for 3 months and the conductor being released under section -- 562 C.P.C.

3. The driver is due for release from jail on 15-7-30. His driving licence has already lapsed. I consider that in view of his conduct, he should be disqualified for six months -- for obtaining a driving licence.

Your obedient servant,

for Dt.Magistrate.

8.7.30

3/

Law (Legal) Dept.

C.No. 2934 A From the Dist. South Kanara Lr. No. C1. 2867/30-D, 17.7.30

Subject

Motor Vehicles – Driver's license – Chavanayya –
South Kanara Dt. – Disqualification

D.S.

Please see the Dist. letter in the Current file.

2. Under rule 22 (a) of the Madras Motor Vehicles Rules, 1923, a driving license is in force for a year only from the date of its issue. In the present case, the license is said to have lapsed already and the licensee is reported to be undergoing rigorous imprisonment (+ to be done per ~~return~~ order) ~~till~~ 15.7.30. ~~Hence~~ (Sine D.M) ~~no~~ ~~action~~ ~~can be taken~~ ~~by us~~. ~~He~~ by, recommends the disqualification of the licensee for a period of six months from the date of the Govt. Order. This can be done only by the Local Govt. under Clause (ii) of sub-section (1) of Section 19 of the Indian Motor Vehicles Act. Before so doing, it is for Consideration whether the Dist. may be asked to report the date on which the driving license expired and to forward Copy of the judgment Convicting the licensee. Subject to approval, a draft memo. is submitted.

11.7.30

I do not think it is necessary to find out the date on which the license expired; the fact that it has expired is enough [illegible]

11.7.30

4

Call for a copy of the judgment either.
It is enough to know that he was convicted under section 403 & sentenced to 3 months RI, the fact that he has served the sentence shows that either he did not appeal (which is possible) or that if he did appeal, it was unsuccessful.

The question is whether it is proper to add to the Court's punishment this 6 months disqualification proposed, with an offence not directly connected with the driving of the bus. Note on this, ~~and~~ quote precedents (if any). Put in urgent file - the man is about to be released.

16/7.

D.S.

Submitted that precedents disqualifying the drivers, in addition to conviction, for an offence not directly connected with the driving of the bus, are not ~~forthcoming~~ traceable. From the precedents collected & kept below, it is seen that drivers have generally been disqualified for obtaining a license (in addition to the punishment inflicted by the Convicting Courts) only in cases where they have driven buses recklessly or negligently in a manner dangerous to the public and to endanger the life or personal safety of others.

Sgd. for A.S.P. 2.8.17

2. In the present case, the Dist. is apparently of the opinion the Driver in question is not a fit person to ~~be granted~~ hold a license for the driving of the bus for some months more after his release. There is nothing in the Motor Vehicles Act or in the rules made thereunder to prevent the Govt. from taking action on the lines suggested by the Dist. in paragraph 1 of his letter. It may be added that in G.O. No. 1032 d. G. dated 26-3-25, the Driver was permanently disqualified for obtaining a license, as he was reported to be a man of drunken habits in addition to having had two convictions to his credit.

16.7.30

16.7.30

Perhaps, since the driver is a bus driver & his conduct (stealing a lady passenger's valuables) shows that he is unfit for a position of responsibility connected with such a vehicle, the DTC's proposal that Govt. should disqualify him for 6 months for holding a licence may be approved & an order issued

AS 17/7.

18/7/30

4.

D.S. 6

Draft order submitted.

CAC 2734A

22.7.30

22.7.30

Secrt. II-5 (a)—50,406—5-11-29.

Dated 25/7/30 Ub V.C. Laws (Genl.) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..	25/7/30	
When examined ..		
When signed ..	26/7/30	
When despatched ..		

Motor Vehicles - Driver Channayya - South Kanara dt. - disqualification

C. E. Clerk's Memo.

READ AGAIN G.O. No. ....., dated ..... 19 .

" " " " " 19 .

READ ALSO :—

C. No. 2934A From the Dist., South Kanara, Ref. No. C1-5867-1930, dated 7.7.1930

" " " " " " 19 .

" " " " " " 19 .

ORDER. No. 3108, dated 25.7.30 19 .

Mis.

Under clause (ii) of sub-section (1) of Section 18 of the Indian Motor Vehicles Act, 1914, the Government hereby declare that Channayya, son of Aitha Pugari of Kodiavar village in South Kanara district, shall be disqualified for obtaining a license under the said Act for a period of ~~six~~ months from the date of this order.

Dpd. 26.7.30 Dpty. Secy. Date 1932

To

The Dist. South Kanara

All other Dists.

The I. G. of Police

The Commr. of Police

The S. G. P. for publication of this Order in the Gazette

Copy to all Local Govts. & Administrations with C.L.

22.7.30

CW 22.7.30

AO 2357